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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>SP</i>
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09/505,052 02/16/00 RUSSELL

D P96005US2B

EXAMINER

HORTON, Y

ART UNIT

PAPER NUMBER

4

3635

DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/505,052	Applicant(s) DONALD R. RUSSELL ET AL.
	Examiner Yvonne M. Horton	Group Art Unit 3635

Responsive to communication(s) filed on Feb 16, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 835 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-7 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-7 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a "walkway pad" and an "adhesive tape". Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "25" have both been used to designate an adhesive tape. Correction is required.

Specification

3. The first paragraph of the specification must be updated to include the patent number of application serial number 09/039,849 filed 03/16/98.
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for the walkway pad being comprised of "asphaltic materials or concrete". The specification only requires that the walkway pad be comprised of rubber-based materials, page 8. Please clarify.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

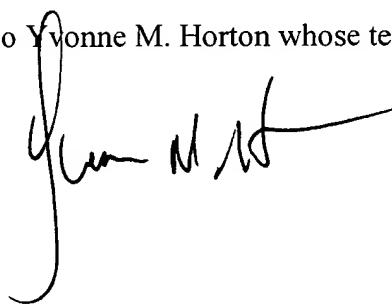
A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #5,504,136 to DAVIS et al. DAVIS et al. discloses a method of applying walkway pads including the steps of affixing a 100 percent solids tape (14) to a walkway pad (17); wherein an opposite side of the tape (14) has a release paper (18) thereon. The method of DAVIS et al. also includes stripping the release paper (18) and applying a force to the walkway pad (17) to enhance bonding, column 13, line 55 to column 14, line 38. Regarding claims 2-4, the walkway pad of DAVIS et al. is formed from a rubber-based material, column 1, line 33; and the adhesive is formed from a blend of EPDM and butyl rubbers, column 6, lines 47-67. In reference to claim 5, the adhesive (14) of DAVIS et al. is applied to the rear side of the walkway pad (17) which inherently includes at least the opposed edges. In viewing Figure 1 of DAVIS et al. It appears that the adhesive is applied at the edges of the walkway pads (10, 11). Regarding claims 6 and 7, DAVIS et al. discloses including the step of preparing an area by applying a primer, column 14, lines 17-19.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton
Patent Examiner
Art Unit 3635
March 12, 2001